

SERVICE DATE – DECEMBER 9, 2016

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1240X

**Southwest Pennsylvania Railroad Company – Abandonment Exemption –
in Fayette County, Pennsylvania**

BACKGROUND

In this proceeding, the Southwest Pennsylvania Railroad Company (SWP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Fayette County, Pennsylvania. The rail line proposed for abandonment extends approximately 0.7 miles from MP 7 to the end of the line (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

SWP submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly as a result of the proposed abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. SWP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1240X.

Diversion of Traffic

According to SWP, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way.

SWP states that the Line crosses a stream over Coal Lick Run where a culvert is present, which it intends to leave in place. SWP plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to SWP, salvage activities would not cause sedimentation or erosion of the soil, and SWP does not anticipate any dredging or use of fill when removing the track material. SWP states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

According to SWP, the Line runs generally in a north-south direction between Uniontown and South Union Township. The Line passes through a mixed-use suburban area, with adjoining land utilized for commercial, industrial, recreational, and residential purposes. Fayette County is not within a designated coastal zone. SWP seeks to enter a trails use agreement with South Union Township for portions of the Line not running through public roadways.

Comments on the Environmental Report were submitted by several federal and state agencies. The National Geodetic Survey (NGS) states that two geodetic survey marks may be near the Line (i.e., mark numbers JW0910 and JW0920), but upon further review of NGS mapping resources by OEA, it was determined that these marks are outside of the right-of-way and would not be affected by proposed salvage activities. The Pennsylvania Department of Environmental Protection (PADEP) states that SWP may need to obtain appropriate permits should any work need to be done that may affect bridges, culverts, or floodplains, specifically relating to the unnamed tributary to Redstone Creek and Coal Lick Run. Accordingly, OEA recommends that any decision granting abandonment authority include a condition that SWP shall consult with PADEP prior to commencement of any salvage activities regarding potential impacts to culverts or floodplains and shall comply with their reasonable requirements.

The official species list obtained from the U.S. Fish and Wildlife Service (FWS) identifies two species of concern that may be present: the endangered Indiana bat (*Myotis*

sodalist) and the threatened northern long-eared bat (*Myotis septentrionalis*). SWP states that it does not intend to create new access roads or fell trees, therefore, OEA has determined that salvage activities would not adversely affect these species; FWS concurs with this determination.

Because salvage operations would be limited in scope and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality. OEA also believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to PADEP and FWS.

HISTORIC REVIEW

SWP served the Historic Report on the Pennsylvania State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment would be affected by the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.² The database did not indicate any federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

² Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited December 6, 2016).

- 1. The Southwest Pennsylvania Railroad Company shall consult with the Pennsylvania Department of Environmental Protection prior to commencement of any salvage activities regarding potential impacts to culverts or floodplains and shall comply with the reasonable requirements of PADEP.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, Washington, DC 20423, to the attention of Adam

Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1240X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: December 9, 2016.

Comment due date: December 26, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment